

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 24-10342

Caption: Walt Disney Parks and Resorts US, Inc. V. Ronald D. DeSantis, in his official capacity as Governor of Florida	District and Division: <u>U.S. District Court for the Northern District of Florida</u> Name of Judge: <u>Hon. Allen C. Winsor</u> Nature of Suit: <u>Constitutional - State Statute</u> <hr/> Date Complaint Filed: <u>April 26, 2023</u> District Court Docket Number: <u>4:23-cv-00163-AW-MJF</u> <hr/> Date Notice of Appeal Filed: <u>February 1, 2024</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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For Appellant:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Daniel M. Petrocelli	O'Melveny & Myers 1999 Avenue of the Stars, 8th Floor Los Angeles, California 90067	(310) 553-6700 (310) 246-6779 (fax) dpetrocelli@omm.com

For Appellee:	
<input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	See attached

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input checked="" type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ _____ Amount Sought by Defendant: \$ _____ Awarded: \$ _____ to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Denied <input checked="" type="checkbox"/> Permanent

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11th Circuit Docket Number: 24-10342

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
What is the issue you claim is one of First Impression? Please see the answer to #5 below. _____
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☒ Yes ☐ No

If Yes, explain briefly:

Appellant contends the district court's ruling conflicts with precedents from other circuits.

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
- (1) Whether Disney's complaint states a claim for violation of the First Amendment based on allegations that the State enacted laws eliminating Disney's voting rights in its local special district and installing a Governor-controlled district Board charged with controlling Disney's expressive activities, for the explicit purpose of punishing Disney for its protected political speech.
- (2) Whether Disney has standing to sue the Governor and the Secretary of Commerce, the executive officials charged with implementing the challenged laws.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS _____ DAY OF _____, _____.

Daniel M. Petrocelli

NAME OF COUNSEL (Print)

/s/ Daniel M. Petrocelli

SIGNATURE OF COUNSEL

**United States Court of Appeals
for the Eleventh Circuit
Civil Appeal Statement
(cont'd)**

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